

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nevada Smith, also known as
Michael L. Buesgens,

Case No. 16-cv-2436 (WMW/TNL)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION AS MODIFIED**

v.

Best & Flanagan, LLP; Steven R. Kruger;
Charles C. Berquist; Edward P. Sheu; and
Timothy A. Sullivan,

Defendants.

This matter is before the Court on the April 26, 2017 Report and Recommendation of United States Magistrate Judge Tony N. Leung. (Dkt. 80.) Because no objections have been filed, this Court reviews the Report and Recommendation for clear error.¹ *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the Report and Recommendation, the Court finds no clear error. In light of the dismissal of Plaintiff's complaint, however, the Court concludes that Plaintiff's remaining outstanding filings need not be substantively addressed or stricken from the record. Therefore, the Court adopts the Report and Recommendation as modified so as to deny all remaining outstanding motions without prejudice as moot.

¹ On May 18, 2017, Plaintiff filed a document that purports to respond to the April 26, 2017 Report and Recommendation. (Dkt. 81.) That document was not filed within the 14-day objection period; and even if it were deemed timely, the document does not substantively object or otherwise respond to the analysis or conclusions in the Report and Recommendation. Therefore, this Court need not address Plaintiff's purported response.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. The April 26, 2017 Report and Recommendation, (Dkt. 80), is **ADOPTED AS MODIFIED** as outlined herein;

2. Plaintiff's Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**;

3. Plaintiff's remaining outstanding motions, (Dkts. 42, 53, 68), are **DENIED WITHOUT PREJUDICE** as moot; and

4. Plaintiff Nevada Smith, a/k/a Michael L. Buesgens, is restricted from filing any new legal actions in this District unless he is represented by counsel or first obtains prior written authorization to file an action from a judicial officer of this District using the procedure described in the April 26, 2017 Report and Recommendation.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 1, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge